

117TH CONGRESS
1ST SESSION

H. R. 4266

To prevent energy poverty in at-risk communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. HERN (for himself, Mr. WEBER of Texas, Mr. COLE, Mr. HICE of Georgia, Mr. STAUBER, Mr. NEWHOUSE, Ms. CHENEY, Mr. RESCHENTHALER, Mr. ALLEN, Mr. MULLIN, and Mr. PENCE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Energy and Commerce, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent energy poverty in at-risk communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Poverty Pre-
5 vention and Accountability Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States that—

(1) all citizens should have equal access to affordable and reliable energy to maintain personal health and economic security;

20 SEC. 3. DEPARTMENT OF THE INTERIOR REPORT ON AC-
21 CESS TO RELIABLE AND AFFORDABLE EN-
22 ERGY.

23 Not later than 1 year after the date of enactment
24 of this section, the Secretary of the Interior shall submit
25 to Congress a report that—

6 (2) recommends actions that the Secretary of
7 the Interior and the Chief of the Forest Service
8 could take to reduce the barriers described in para-
9 graph (1), including by—

10 (A) establishing lower fees or lowering
11 other costs;

12 (B) streamlining the approval of rights-of-
13 way on Federal land and Tribal land;

14 (C) encouraging private energy sector in-
15 vestment in Federal land and Tribal land; and

16 (D) rapidly developing electric trans-
17 mission and delivery systems in remote areas

18 SEC. 4. CONGRESSIONAL BUDGET OFFICE ESTIMATES FOR 19 EFFECTS ON ENERGY PRICES

20 The Director of the Congressional Budget Office
21 shall include in each applicable estimate required under
22 section 402 of the Congressional Budget and Impound-
23 ment Control Act of 1974 (2 U.S.C. 653) an estimate of
24 how the bill or resolution will affect the cost of energy
25 for at-risk communities.

1 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE IDENTI-**

2 **FICATION OF ENERGY POVERTY.**

3 (a) ANALYSIS.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall conduct an analysis of Fed-
6 eral energy and environmental laws, regulations
7 issued by the Secretary of the Interior and the Chief
8 of the Forest Service that relate to energy and envi-
9 ronmental policy, and State renewable portfolio
10 standards to determine how such laws, regulations,
11 and standards affected the following for at-risk com-
12 munities during the preceding fiscal year:

13 (A) Electricity prices.

14 (B) Home heating prices.

15 (C) Gasoline prices.

16 (D) Motor vehicle prices.

17 (E) Natural gas prices.

18 (F) Household appliance prices.

19 (2) REPORT.—Not later than 1 year after the
20 date of enactment of this section, the Comptroller
21 General of the United States shall submit to Con-
22 gress a report on the analysis conducted under para-
23 graph (1).

24 (b) ENERGY POVERTY.—

25 (1) IN GENERAL.—The Comptroller General of
26 the United States shall develop criteria to determine

1 whether an at-risk community is experiencing energy
2 poverty.

3 (2) REPORT.—Not later than 1 year after the
4 date of enactment of this section, the Comptroller
5 General of the United States shall submit to Con-
6 gress a report that—

7 (A) identifies, by location and type of at-
8 risk community, which at-risk communities are
9 experiencing energy poverty; and

10 (B) provides recommendations on how to
11 reduce such energy poverty.

12 **SEC. 6. OFFICE OF MANAGEMENT AND BUDGET REVIEW OF**
13 **ENERGY REGULATIONS.**

14 (a) IN GENERAL.—The Director of the Office of
15 Management and Budget shall review each applicable en-
16 ergy regulation to determine if any applicable energy regu-
17 lation imposes, relative to the general population, dis-
18 proportionate costs on at-risk communities.

19 (b) PUBLICATION.—Not later than 180 days after the
20 date of the enactment of this section, the Director of the
21 Office of Management and Budget shall publish in the
22 Federal Register the results of the review required under
23 subsection (a).

1 **SEC. 7. ENERGY POVERTY STUDY REQUIRED FOR CERTAIN**

2 **EXECUTIVE ACTION.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the President or a designee of the President
5 may only carry out an activity described in subsection (b)
6 if the Secretary of the Interior has fulfilled the require-
7 ments described in subsection (c) with respect to such ac-
8 tivity.

9 (b) ACTIVITIES.—An activity, as referred to in sub-
10 section (a), is one or more of the following:

11 (1) Declaration of a moratorium on the leasing
12 of Federal lands for the drilling, mining, or collec-
13 tion of oil, gas, or coal, or related activities unless
14 such moratorium is authorized by Federal statute.

15 (2) An action that would prohibit or substan-
16 tially delay, with respect to Federal land, the
17 issuance of—

18 (A) a new oil and gas lease, drill permit,
19 approval, or authorization;

20 (B) a new coal lease, permit, approval, or
21 authorization; or

22 (C) a new hard rock (including the list of
23 critical minerals published in the notice of the
24 Secretary of the Interior entitled “Final List of
25 Critical Minerals 2018” (83 Fed. Reg. 23295

(May 18, 2018))) lease, permit, approval, or authorization.

(A) forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the
mining laws; or

(C) disposition under laws pertaining to mineral and geothermal leasing or mineral materials.

11 (c) REQUIREMENTS.—To fulfill the requirements de-
12 scribed in subsection (a) with regard to an activity de-
13 scribed in subsection (b), the Secretary of the Interior
14 shall—

15 (1) conduct a study to determine if the activity,
16 relative to the general population, is likely to—

17 (A) impose disproportionate costs on at-
18 risk communities; or

(B) increase the likelihood that at-risk communities will experience energy poverty and job losses:

22 (2) publish such study on a public website of
23 the Department of the Interior; and

1 (d) ENERGY POVERTY STUDY.—

2 (1) IN GENERAL.—Subject to paragraph (3),
3 upon request from an entity described in paragraph
4 (2), a lead Federal department or agency responsible
5 for leasing or permitting an energy or mineral devel-
6 opment project, pipeline project, or transmission
7 project on Federal land, in consultation with any
8 other Federal department or agency with jurisdiction
9 over such project, shall conduct a study relating to
10 how such project is likely to alleviate energy poverty
11 in at-risk communities, including by—

12 (A) creating jobs;
13 (B) reducing energy prices; and
14 (C) other relevant measures identified by
15 the lead Federal department or agency or the
16 requestor the study.

17 (2) REQUESTORS.—The following entities may
18 compel a study by request under paragraph (1):

19 (A) The sponsor of the energy or mineral
20 project, pipeline project, or transmission project
21 on Federal land regarding which the study is
22 being conducted.
23 (B) A State or local government.
24 (C) An Indian Tribe.

(D) An entity determined appropriate by the lead agency for the relevant project.

(A) an agreement regarding a neutral third party to conduct the study;

20 SEC. 8. DEFINITIONS.

21 In this Act:

(1) AT-RISK COMMUNITY.—The term “at-risk community” means each of the following:

(A) A low-income community

25 (B) A minority community

- (C) A rural community.

- (D) An elderly community.

- (E) A Native American community.

- (A) has an annual effect on the economy of not less than \$100,000,000;

- (B) results in a major increase in costs or prices for any consumer, industry, government agency, or geographic region; or

- 12 (C) has a significant adverse effect on
13 competition, employment, investment, produc-
14 tivity, innovation, or the ability of an enterprise
15 based in the United States to compete with a
16 foreign-based enterprise in a domestic or inter-
17 national market.

18 (3) DESIGNEE OF THE PRESIDENT.—The term

19 “designee of the President” includes—

- 20 (A) the Secretary of Agriculture;

- 21 (B) the Secretary of Energy; and

- 22 (C) the Secretary of the Interior.

23 (4) ENERGY POVERTY.—The term “energy pov-
24 erty” means a condition in which individuals and

1 families do not have access to affordable and reliable
2 energy to maintain economic security.

3 (5) FEDERAL LAND DEFINED.—In this section,
4 the term “Federal land”—

5 (A) means—

6 (i) National Forest System land;
7 (ii) public lands (as defined in section
8 103 of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1702));

10 (iii) the outer Continental Shelf (as
11 defined in section 2 of the Outer Conti-
12 nental Shelf Lands Act (43 U.S.C. 1331));
13 and

14 (iv) land under the jurisdiction of the
15 Secretary of Energy; and

16 (B) includes land described in paragraph
17 (1) for which the rights to the surface estate or
18 subsurface estate are owned by a non-Federal
19 entity.

20 (6) STATE RENEWABLE PORTFOLIO STAND-
21 ARD.—The term “State renewable portfolio stand-
22 ard” means any State regulation that is designed to
23 increase the use of renewable energy sources, includ-
24 ing wind, solar, geothermal, and biomass, to gen-
25 erate electricity.

1 (7) TRIBAL LAND.—The term “Tribal land”
2 has the meaning given the term “Indian land” in
3 section 2601 of the Energy Policy Act of 1992 (25
4 U.S.C. 3501).

